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Attorneys for Defendants OXFORD HEALTH
INSURANCE and UNITED BEHAVIORAL
HEALTH

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

DAVID BAIN, DAYNA BAIN and ALAINA
BAIN, individuals,

Plaintiffs,

vs.

OXFORD HEALTH INSURANCE, and
UNITED BEHAVIORAL HEALTH, in their
capacities as insurers, administrators, and
fiduciaries of the Sagent Advisors Inc. Group
Health Plan, an ERISA-regulated welfare plan,

Defendants.

CASE NO. 3:20-cv-02190-RS

**STIPULATION AND ORDER
CONTINUING HEARING ON ORDER
TO SHOW CAUSE**

WHEREAS, on March 31, 2020, Plaintiffs David Bain, Dayna Bain, and Alayna Bain (collectively, "Plaintiffs") initiated this action by filing a Complaint for Benefits under Employee Retirement Income Security Act of 1974 ("the Complaint");

WHEREAS, Defendant Oxford Health Insurance ("Oxford") was served with the Complaint and summons on April 13, 2020, and Defendant United Behavioral Health ("UBH") was served with the Complaint and Summons on April 7, 2020;

WHEREAS, the parties have entered into a written confidential settlement agreement that provides for the dismissal of this action upon the occurrence of certain conditions precedent;

WHEREAS, per Docket Entry No. 22, the Court issued a standby order of dismissal and

1 scheduled an order to show cause hearing for September 24, 2020;

2 WHEREAS, as of the date of this Stipulation, the conditions precedent to the filing of a
3 request for dismissal have not been completed but the Parties expect to occur within two weeks
4 from the date of this stipulation;

5 THEREFORE, Plaintiffs and Defendants stipulate that the hearing on the Order to Show
6 Cause, set by the Court to take place on September 24, 2020 (*see* Dkt. 22), should be continued
7 two weeks to October 8, 2020, to allow for the performance of the conditions precedent.

8
9 DATED: September 21, 2020

CREITZ & SEREBIN LLP

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11 By: /s/ Joseph A. Creitz

12 Joseph A. Creitz

13 Attorneys for Plaintiffs DAVID BAIN, DAYNA
14 BAIN and ALAINA BAIN

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16 DATED: September 21, 2020

LEWIS BRISBOIS BISGAARD & SMITH LLP

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18 By: /s/ Timothy J. Nally

19 Timothy J. Nally

20 Attorneys for Defendants OXFORD HEALTH
21 INSURANCE and UNITED BEHAVIORAL
22 HEALTH

23 It is hereby **ORDERED** that the Order to Show Cause hearing scheduled for September
24 24, 2020, is hereby continued to October 8, 2020 at 1:30 pm.

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27 JUDGE RICHARD SEEBORG